

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

RESPONSE TO NOTICE TO ADVISE OF SCHEDULING CONFLICTS

Case Number: 23-1126, 23-1127, 23-1128, 23-1130, 23-1131, 23-1132

Short Case Caption: B.E. Technology, L.L.C. v. Twitter, Inc., Google LLC

Party Name(s): B.E. Technology, L.L.C.

INFORMATION: The court uses this form to determine whether and when to schedule cases for oral argument. Arguing counsel may be changed later, but a motion to reschedule is required once the court schedules argument. Please plan in advance to adhere to the limit on the number of arguing counsel in Fed. Cir. R. 34(e).

Argument Waiver ☐ My party intends to waive oral argument.

NOTE: Filers checking this box must still complete the below sections. **The court may still schedule this case for oral argument even if any party intends to waive argument.** If scheduled, parties may still elect to waive argument using the response to notice of oral argument form.

Other Parties Representing Interests

☐ Counsel for another party will represent my party's interests at oral argument

NOTE: If this box is checked, skip the remaining sections. Any argument date will be selected based on conflict dates for counsel arguing on behalf of your party.

Name of Expected Arguing Counsel	Michael DeVincenzo
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Dates Unavailable

Do you have dates of unavailability within the specific sessions identified by the court's Notice to Advise of Scheduling Conflicts in your case?

☒ Yes ☐ No

If yes, attach a separate sheet listing **up to ten dates** of unavailability and **include a statement showing good cause for each date.** Dates without good cause or that do not pertain to arguing counsel (e.g., client conflicts) will not be accepted. The court will only accept dates for one counsel and only if that counsel has filed an entry of appearance. The Clerk's Office will evaluate and note accepted or rejected conflict dates; counsel may contact the Clerk's Office about re-filing if dates are rejected. See Fed. Cir. R. 34(d); Practice Notes to Rule 34.

FORM 32. Response to Notice to Advise of Scheduling Conflicts

Form 32
March 2023

Potential Case Conflicts

Are there other pending cases before this court (regardless of case status) in which expected arguing counsel in this case also expects to argue?

☐ Yes ☒ No

If yes, attach a separate sheet listing those cases.

I certify the above information and any attached statement is complete and accurate. I further certify that I will update my notice should new conflicts arise or existing conflicts change.

Date: 11/02/2023

Signature: /s/ Michael DeVincenzo

Name: Michael DeVincenzo

Nos. 23-1126, 23-1127, 23-1128, 23-1130, 23-1131, 23-1132

IN THE
United States Court of Appeals
FOR THE FEDERAL CIRCUIT

B.E. TECHNOLOGY, L.L.C.,

Appellant,

v.

TWITTER, INC., GOOGLE LLC,

Cross-Appellants.

Appeals from the United States Patent and Trademark Office,
Patent Trial and Appeal Board
in Nos. IPR2021-00482, IPR2021-00483, IPR2021-00484, and IPR2021-00485

STATEMENT OF UNAVAILABILITY FOR ORAL ARGUMENT

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1. Appellant's counsel, Michael DeVincenzo, will argue this appeal.
2. Mr. DeVincenzo is unavailable on the following upcoming argument dates:
February 5, 2024; February 6, 2024; and February 7, 2024.
3. There is good cause for each date listed on the Response to Notice to Advise of Scheduling Conflicts. Mr. DeVincenzo has a claim construction hearing scheduled for February 1, 2024 in the following district court cases: B.E. Technology, L.L.C. v. Twitter, Inc., 1:20-cv-00621-GBW (D. Del.) and B.E. Technology, L.L.C. v. Google, LLC, 1:20-cv-00622-GBW (D. Del.). Mr. DeVincenzo's participation in that hearing will make it difficult to conduct the preparation necessary for an oral argument in this matter on the dates listed herein.
4. For these reasons, Appellant respectfully requests that the Court not schedule argument on any of the dates listed on the Response to Notice to Advise of Scheduling Conflicts.

Respectfully submitted,

Date: November 2, 2023

by: /s/ Michael DeVincenzo
Counsel for Appellant B.E.
Technology, L.L.C .

PROOF OF SERVICE

I, Michael DeVincenzo, hereby certify that on November 2, 2023, I caused one copy of the foregoing document to be electronically filed using the CM/ECF system, which sent a notice of electronic filing to all ECF registered participants.

Date: November 2, 2023

by: /s/ Michael DeVincenzo
Michael DeVincenzo
Counsel for Appellant B.E.
Technology, L.L.C.